

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Charles William Nighbert.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Charles William Nighbert*, Case No. 08-027;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on November 14, 2008, the Commission alleged facts in an Initiating Order that Charles William Nighbert violated the Executive Branch Code of Ethics at KRS 11A.050 (3)(e);

WHEREAS, Charles William Nighbert was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9) until his resignation effective December 10, 2007, and thus is subject to the Executive Branch Code of Ethics; and

WHEREAS, Charles William Nighbert indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Charles William Nighbert agree, pursuant to KRS 11A.100, as follows:

1. Charles William Nighbert admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.050 (3)(e) as stated in the Commission's Initiating Order of November 14, 2008.
2. Charles William Nighbert agrees to pay the Commission a civil penalty of five hundred dollars (\$500.00) on or before March 29, 2010.
3. Charles William Nighbert agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.
4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Charles William Nighbert*, Agency Case No. 08-027.

